



## Airport Scanners and the Fourth Amendment

**Constitutional Question:** Do new full-body scanners and TSA “enhanced pat-down” airport procedures violate the Fourth Amendment or other constitutional protections?

**Constitutional Principles:** Personal Liberty

**Constitution Resources from the Bill of Rights Institute’s Student Study Guide:**

- The [Fourth Amendment](#)
- [Liberty](#)

**News Resources:**

- [Napolitano asks fliers for 'patience' on body scanners](#)
- [TSA to pat down passengers as young as 13](#)
- [TSA: Despite objections, all passengers must be screened](#)

**Questions to consider:**

1. Should the TSA be permitted to use “advanced imaging technology” to peer under passengers’ clothing in search of dangerous items?
2. The TSA states that the scanners, which critics call “virtual strip searches”, are voluntary and passengers can ask for an “enhanced pat-down” instead. Should TSA employees be permitted to touch the private areas of passengers who do not wish to undergo a full body scan?
3. Pilots and citizens’ groups have protested the new security procedures. Do you agree with TSA Administrator John Pistole that it would be “irresponsible” for passengers to opt-out of full body scanners in protest of their use? Why or why not?
4. The Fourth Amendment protects “the right of the people to be secure in their persons...against unreasonable searches.” What constitutes an “unreasonable search” Where should the line be drawn in the attempt to balance liberty and security at airports? How would you know if a government action was over the line?



What do YOU think?

Full-body scanners and TSA “enhanced pat-down” airport procedures <b>DO</b> violate the Fourth Amendment or other constitutional protections.	Full-body scanners and TSA “enhanced pat-down” airport procedures <b>DO NOT</b> violate the Fourth Amendment or other constitutional protections.